

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 11840 of 2007(H)

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PETITIONER:

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1. ABOOBACKER A.P,S/O.AHMED HAJI,  
AGED 57 YEARS,VRINDAVAN,C/O ADAT,THRISSUR.
2. A.V.SIDIQUE,VRINDAVAN,C/O.ADAT,THRISSUR
3. SHYLAJA SIDIQUE,W/O SIDIQUE,  
VRINDAVAN,C/O.ADAT,THRISSUR.
4. VAHIDA MUHAMMED RASIK,VRINDAVAN,  
C/O.ADAT,THRISSUR.
5. M.K.SIDIQUE,VRINDAVAN,C/O.ADAT,  
THRISSUR.
6. JAMEELA SIDIQUE,VRINDAVAN,C/O.ADAT,  
THRISSUR.
7. HAMSA,VRINDAVAN,C/O.ADAT,THRISSUR.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. THE ADAT FARMERS CO-OPERATIVE BANK  
LIMITED MUTHUVARA BRANCH,ADAT THRISSUR,  
REPRESENTED BY ITS MANAGER.
2. THE ADAT FARMERS CO-OPERATIVE BANK  
LIMITED,HEAD OFFICE,ADAT THRISSUR,REPRESENTED BY  
ITS SECRETARY.

BY ADV. SRI.V.G.ARUN, SC  
ADV.SRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**APPENDIX**

**PETITIONER'S EXHIBITS**

EXT.P1 COPY OF THE REPRESENTATION SUBMITTED by the 1ST PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 30/3/2007.

EXT.P2 COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 30/3/2007.

EXT.P3 COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 30/3/2007.

EXT.P4 COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 30/3/2007.

EXT.P5 COPY OF THE REPRESENTATION SUBMITTED BY THE 5TH PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 30/03/2007.

EXT.P6 COPY OF THE REPRESENTATION SUBMITTED BY THE 6TH PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 30/3/2007.

EXT.P7 COPY OF THE REPRESENTATION SUBMITTED BY THE 7TH PETITIONER  
BEFORE THE 2ND RESPONDENT DATED 30/3/2007.

EXT.P8 COPY OF THE RECEIPTS ISSUED BY THE POSTAL AUTHORITIES.

// TRUE COPY //

PA TO JUDGE

jg

**C.N.RAMACHANDRAN NAIR, J.**

**WP(C) No. 11840 of 2007 H**

**Dated, this the 12<sup>th</sup> day of April, 2007**

**J U D G M E N T**

Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for R1 and R2.

2. Even though prayer is for grant of OTS benefit, learned Standing Counsel submitted that though OTS benefit was granted to the petitioners in 2004, they did not avail it. Moreover, last date for settlement under OTS scheme is over on 31/03/2007. The application submitted by petitioners on 30/03/2007 is stated to be dismissed. On the face of its, petitioners do not seem to be serious in settling liability because applications for settlement under OTS scheme should have been filed within a reasonable time from commencement of the scheme. In any case, having regard to the extent of liability and the rate of interest charged, I feel OTS benefit can still be extended to the petitioners, provided, petitioners establish their bonafides by remitting reasonable amount along with fresh application for OTS benefit and offer payment under OTS scheme with future interest within a reasonable time. WP(C) is accordingly disposed of directing all the petitioners to remit Rs. 5

lakhs each and file common application for OTS within one month from today. If payments are made as above, then there will be direction to the first respondent Bank to grant OTS benefits and give facility to pay liability under OTS scheme in 10 equal monthly instalments payable on 10<sup>th</sup> of every month commencing from June 2007 onwards. If default is committed in payment of any of the instalments as above, the OTS benefit granted will stand automatically vacated and Bank will be free to proceed to take over assets and sell the same under Securitization Act or under any Act authorising recovery. All the recovery proceedings will be kept in abeyance till 12/05/2007 and if Rs. 5 lakhs each is paid by each of the petitioners and common application for OTS benefit is filed, then recovery will be kept in abeyance for payment under OTS scheme, which will be communicated by the Bank within two weeks from receipt of application for OTS benefit along with payment as above.

This WP(C) is disposed of as above.

**(C.N.RAMACHANDRAN NAIR, JUDGE)**